

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 25117 of 2007(M)

PETITIONER:

**DR.S.MAHESH KUMAR,
S/O SUKUMARAN NAIR, AGED 51 YEARS,
WORKING AS CIVIL SURGEON, TALUK HOSPITAL,
PERUMBAVOOR, PERMANENT RESIDENT AT "SOUPARNIKA",
CHAYAKKUDI LANE, PETTA P.O., THIRUVANANTHAPURAM-18**

**BY ADV. SRI.P.A.AZIZ
SRI.I.G.MANOCHARAN
SRI.N.N.PANKAJAKSHAN**

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY THE
SECRETARY (HEALTH), GOVT. OF KERALA,
THIRUVANANTHAPURAM.**
- 2. DIRECTOR OF HEALTH SERVICES,
GOVT.OF KERALA, THIRUVANANTHAPURAM.**
- 3. SUPERINTENDENT,
GENERAL HOSPITAL, ERNAKULAM.**

BY GOVERNMENT PLEADER SRI.BIJOY CHANDRAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ANTONY DOMINIC, J.
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W.P.(C) NO. 25117 OF 2007
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Dated this the 22nd day of August, 2007

J U D G M E N T

Petitioner is an Orthopaedic Specialist. According to him, he is entitled to be posted in the Speciality cadre. By order dated 6.7.07, he was transferred from General Hospital, Trivandrum to Ernakulam. Alleging that he was posted in the Casualty, he had represented to the authorities. He had also submitted Ext.P5 apprehending transfer and requesting that he be retained at Ernakulam. Subsequently by Ext.P6, he was promoted to the cadre of Civil Surgeon, and on promotion, he was posted to the Taluk Hospital, Perumbavoor. Now the petitioner complains against his posting at Taluk Hospital, Perumbavoor and has moved this writ petition. Subsequent to the filing of this writ petition, petitioner has submitted a representation against his transfer to Perumbavoor, which is produced as Ext.P9

along with IA 11551/07 and from the postal endorsement, it can be seen that it has been despatched to the addressee.

2. It is the petitioner's case that at present, there are four Senior Orthopaedic Specialists at the Taluk Hospital, Perumbavoor, although there is no such post as per Ext.P2 G.O constituting Speciality cadre. It is also stated that in General Hospital, Ernakulam, there is not even a single Senior Specialist in the Ortho Unit and it is in such circumstances that the petitioner was initially posted in the Casualty Department and later shifted to the Taluk Hospital, Perumbavoor. It is also his case that there is a seniority list, in which he is Sl.No.4 and that juniors are likely to be accommodated in the vacancy at General Hospital, Ernakulam.

3. In any case, these are all matters for the second respondent to consider. Being the head of the department, he is the best person to assess the requirements at the

hospitals and make suitable deployment of specialists and this court does not have the expertise in such areas. Therefore in the fitness of things, I consider it necessary that the 2nd respondent should take note of Ext.P9 and pass appropriate orders thereon, if the same has been received.

4. Accordingly, this writ petition is disposed of directing the 2nd respondent to take up Ext.P9, consider the same and pass orders thereon, as expeditiously as possible, at any rate within a period of one month on receipt of the said representation. Petitioner is directed to produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp